

# THE SCHOOL ADMINISTRATOR

## and Uniform Compliance Guidelines ISSUED BY STATE BOARD OF ACCOUNTS

Volume 178A

June 2007

### NEW LAWS AFFECTING SCHOOL CORPORATIONS

The following is a Digest of some of the laws passed by the 2007 Regular Session of the General Assembly affecting school corporations. Please note the effective dates. Some of the laws do not pertain directly to school corporations but are included in the Digest for ready reference to the covered subject matter.

The Digest is not intended as an expression of legal interpretation. The Digest is also not intended to be all inclusive. References in the Digest will be to the Indiana Code in the following form (Amends IC 20-20-31-3) (Amends Indiana Code, Title 20, Article 20, Chapter 31, Section 3).

**PUBLIC LAW 1 – HOUSE ENROLLED ACT 1084 – EFFECTIVE MARCH 30, 2007. TECHNICAL CORRECTIONS.** Provides correction to various sections of the Indiana Code provides

**PUBLIC LAW 6 - SENATE ENROLLED ACT 96 - EFFECTIVE JULY 1, 2007. PUBLIC WORKS.** Amends IC 5-16-8-1(b) to provide "Foundry products" means products cast from ferrous and nonferrous metals by foundries in the United States. "Foundry" is also added to IC 5-16-8-2.

**PUBLIC LAW 10 - SENATE ENROLLED ACT 166 - EFFECTIVE JULY 1, 2007. CIVIL AIR PATROL EMPLOYEE.** Adds IC 4-15-10-8 to provide a) For purposes of this section, "civil air patrol" refers to the Indiana wing of the civil air patrol. (c) An employee may not be disciplined for absence from work if: (1) the employee is a member of the civil air patrol; (2) the employee has notified the employee's immediate supervisor in writing that the employee is a member of the civil air patrol; (3) in the event that the employee has already reported for work on the day of the emergency service operation, the employee secures authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation; and (4) the employee presents a written statement to the employee's immediate supervisor from the commander or other officer in charge of the civil air patrol indicating that the employee was engaged in an emergency service operation at the time of the employee's absence from work.

Also adds IC 10-16-19 concerning duties and procedures related to employees of political subdivisions who are members of the civil air patrol including section (f) provide a public servant (as defined in IC 35-41-1-24) who permits or authorizes an employee of a political subdivision under the supervision of the public servant to be absent from employment as set forth in subsection (c) is not considered to have committed a violation of IC 35-44-2-4(b).

**PUBLIC LAW 19 - HOUSE ENROLLED ACT 1281 - EFFECTIVE JULY 1, 2007. PUBLIC PURCHASES BIOBASED PRODUCTS.** Adds IC 5-22-5-9 to provide (a) This section applies to a purchase of supplies by any of the following: (1) A governmental body. (c) A governmental body shall, whenever possible, purchase biobased products if all of the following apply: (1) Biobased products are available at the time of the purchase. (2) It is economically feasible to purchase biobased products. (3) The purchase of biobased products is not inappropriate because of: (A) federal regulations or policy in matters involving the federal government; or (B) the special requirements of scientific uses.

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**PUBLIC LAW 20 - HOUSE ENROLLED ACT 1300 - EFFECTIVE JULY 1, 2007. TEACHERS ADVANCED PLACEMENTS STIPEND.** Amends IC 20-36-3-7 concerning requirements for teachers to be eligible for stipends under IC 20-36-3- 8.

**PUBLIC LAW 26 - HOUSE ENROLLED ACT 1434 - EFFECTIVE JULY 1, 2007. DRUG-FREE COMMUNITIES PLAN.** Amends IC 5-2-11-5 to provide a county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission.

**PUBLIC LAW 33 - HOUSE ENROLLED ACT1065 - EFFECTIVE JULY 1, 2007. SPECIAL FUEL TAX.** Adds IC 6-6-2.5-30.5 concerning exemptions from special fuel tax if the special fuel has a nominal bio-diesel content of at least 20% and certain other conditions.

**PUBLIC LAW 38 - HOUSE ENROLLED ACT 1489 - EFFECTIVE JULY 1, 2007. NONRENEWAL OF TEACHER CONTRACTS.** Amends IC 20-28-7-9 to provide (b) The notice in subsection (a)(2) must include a written statement, which: (1) may be developed in executive session; and (2) is not a public document; giving the reasons for the consideration of the nonrenewal of the teacher's contract. (c) For reasons other than a reduction in force, the notice in subsection (a)(2) must inform the teacher that, not later than ten (10) days after the teacher's receipt of the notice, the teacher may request a conference under section 10 of this chapter. (d) If the reason for nonrenewal is reduction in force, the teacher may request a conference as provided in section 10 of this chapter.

**PUBLIC LAW 45 - SENATE ENROLLED ACT 30 - EFFECTIVE JULY 1, 2007. PUBLIC SCHOOL ENDOWMENT CORPORATIONS.** Adds IC 20-47-1-6 provide (a) The governing body of a school corporation may annually donate an amount not to exceed twenty-five thousand dollars (\$25,000) from the general fund of the school corporation to a public school endowment corporation under the following conditions: (1) For every dollar that the school corporation donates to the public school endowment corporation, a private individual or entity must donate at least one dollar (\$1) to the public school endowment corporation: (A) for the benefit of the school corporation; and (B) for the purposes designated by the school corporation for the school corporation's donation. (2) The public school endowment corporation retains all rights to the donation, including investment powers, except as provided in subdivision (3). (3) The public school endowment corporation agrees to do the following: (A) Distribute the principal and income from the donation only to the school corporation as directed by resolution of the governing body of the school corporation. (B) Return the donation to the general fund of the school corporation if the public school endowment corporation: (i) ceases to operate as a public school endowment corporation; (ii) is liquidated; or (iii) violates any condition of the endowment set by the governing body of the school corporation. (C) Open the books of the public school endowment corporation for examination at the request of the state board of accounts to the extent necessary for the state board of accounts to determine the manner in which the school corporation's donation and any matching donations have been held or distributed. (b) A school corporation may use distributions from a public school endowment corporation received under a resolution referred to in subsection (a)(3)(A) only for programs and activities that: (1) enhance the quality of education; or (2) extend learning opportunities; for students of the school corporation. (c) This section expires June 30, 2012.

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**PUBLIC LAW 48 - SENATE ENROLLED ACT 129 - EFFECTIVE JULY 1, 2007. MEET AND CONFER PUBLIC SAFETY EMPLOYEES.** Adds IC 36-8-22 concerning public safety employee's rights concerning meetings and discussion thereof. Provides in part: This section applies to employees of an employer regardless of population. (b) An employee, an employee organization, or an exclusive recognized representative may not participate in or encourage participation in a strike against an employer. (c) An employee engaging in a strike is subject to discharge by the employer as provided in IC 36-8-3-4. (d) An exclusive recognized representative that engages in or sanctions a strike loses the right to represent the employees for at least ten (10) years after the date of the action. (e) An employer may not pay an employee for days the employee is engaged in a strike.

**PUBLIC LAW 51 - SENATE ENROLLED ACT 276 - EFFECTIVE APRIL 25, 2007. FREQUENCY OF WAGE PAYMENTS.** Adds IC 22-2-5-0.5 to provide as used in this chapter, "business day" means a day other than Saturday, Sunday, or a legal holiday (as defined in IC 1-1-9-1). A non code section is added to provide (a) IC 22-2-5-1, as amended by this act, applies to claims for wages earned before, on, or after July 1, 2007. (b) Having received and considered testimony concerning the customary and usual wage payment practices of employers, it is the intent of the general assembly that the ten (10) day period referenced in IC 22-2-5-1, before its amendment by this act, be construed as ten (10) business days (as defined in IC 22-2-5-0.5, as added by this act). (c) This SECTION expires July 1, 2017.

**PUBLIC LAW 72 - SENATE ENROLLED ACT 88 - EFFECTIVE JULY 1, 2007. TEACHER RETIREMENT FUND CONTRIBUTIONS.** Amends various sections of IC 5-10.2-2 and IC 5-10.2-4 concerning contributions during reemployment.

**PUBLIC LAW 75 - SENATE ENROLLED ACT 155 - EFFECTIVE APRIL 26 AND JULY 1, 2007. UNDERGROUND STORAGE TANKS.** Amends and adds to IC 13-23 concerning requirements for certain underground storage tanks that contain alcohol blended fuel and composed of greater than fifteen percent (15%) alcohol.

**PUBLIC LAW 84 - SENATE ENROLLED ACT 408 - EFFECTIVE JULY 1, 2007. SCHOOL CORPORATION ANNUAL PERFORMANCE REPORT.** Amends IC 20-20-8-8 to remove gifted or talented fund and add high ability. Amends IC 20-36-2-1 to provide A school that receives a grant under this subsection shall submit an annual report to the department that includes the following: (1) The programs for which the grant is used. (2) The results of the programs for which the grant is used, including student general assessment results, program effectiveness, or student achievement.

**PUBLIC LAW 85 - SENATE ENROLLED ACT 445 - EFFECTIVE JULY 1, 2007. NOTARY PUBLIC.** Amends and adds to IC 33-42 concerning notary public duties.

**PUBLIC LAW 87 - HOUSE ENROLLED AT 1060 - EFFECTIVE JULY 1, 2007. TEACHER'S RETIREMENT FUND INCREASES.** Adds IC 5-10.2-5-42 concerning Teacher's Retirement Fund benefits.

**PUBLIC LAW 117 - HOUSE ENROLLED ACT 1278 - EFFECTIVE JULY 1, 2007. INVESTMENT POOL.** Adds IC 5-13-9-11 to create the local government investment pool within the office and custody of the Treasurer of State.

**PUBLIC LAW 128 - SENATE ENROLLED ACT 113 - EFFECTIVE JULY 1, 2007. SCHOOL BOARD MEMBERS AND TOWN PARK BOARDS.** Amends IC 36-10-3-4 to provide for ex official appointment of a member of a governing body of a school corporation to a town park board.

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**PUBLIC LAW 132 - SENATE ENROLLED ACT 192 - EFFECTIVE JULY 1, 2007. SCHOOL CORPORATION POLICE OFFICERS.** Amends IC 20-26-16 to provide the governing body of a school corporation may establish a school corporation police department under this chapter.

Amends IC 5-2-8-1 to provide in part the following definitions apply in this section: (2) "County law enforcement agency" includes: (B) school corporation police officers appointed under IC 20-26-16. Also amends IC 5-2-8-2 to provide the following definitions apply in this section: "city or town enforcement agency" includes (B) school corporation police officers appointed under IC 20-26-16.

Please see IC 5-2-8 for claim procedures.

**PUBLIC LAW 133 - SENATE ENROLLED ACT 211 - EFFECTIVE JULY 1, 2007. PUBLIC WORKS, DESIGN BUILD.** Amends design build concerning IC 5-30-8-4 to provide (a) The public agency: (1) shall require the design-builder to furnish performance and payment bonds for the project if the estimated cost of the project is more than two hundred thousand dollars (\$200,000); and (2) may require the design-builder to furnish performance and payment bonds for the project if the estimated cost of the project is not more than two hundred thousand dollars (\$200,000).

### Bid Bond – Or Certified Checks

Amends IC 36-1-12-4.5 to provide (a) The political subdivision or agency: (1) shall require a bond or a certified check to be filed with each bid by a bidder in the amount determined and specified by the board in the notice of the letting if the cost of the public work is estimated to be more than two hundred thousand dollars (\$200,000); and (2) may require a bond or a certified check to be filed with each bid by a bidder in the amount determined and specified by the board in the notice of the letting if the cost of the public work is estimated to be not more than two hundred thousand dollars (\$200,000).

### Payment Bond

Amends IC 36-1-12-13.1 to provide in part of (a) Except as provided in subsection the appropriate political subdivision or agency: (1) shall require the contractor to execute a payment bond to the appropriate political subdivision or agency, approved by and for the benefit of the political subdivision or agency, in an amount equal to the contract price if the cost of the public work is estimated to be more than two hundred thousand dollars (\$200,000); and (2) may require the contractor to execute a payment bond to the appropriate political subdivision or agency, approved by and for the benefit of the political subdivision or agency, in an amount equal to the contract price if the cost of the public work is estimated to be not more than two hundred thousand dollars (\$200,000).

### Retainage

Amends IC 36-1-12-14 to provide in part this section applies to public work contracts in excess of two hundred thousand dollars (\$200,000) for projects other than highways, roads, streets, alleys, bridges, and appurtenant structures situated on streets, alleys, and dedicated highway rights-of-way. A board may require a contractor and subcontractor to include contract provisions for retainage as set forth in this section for contracts that are not more than two hundred thousand dollars (\$200,000).

Also provides IC 4-13.6-7, IC 5-16-5.5-2, IC 5-30-8-4, IC 8-15-2-5, IC 8-23-7-19, IC 8-23-9-8, and IC 36-1-12, all as amended by this act, apply only to public works contracts entered into after June 30, 2007.

**PUBLIC LAW 148 - SENATE ENROLLED ACT 561 - EFFECTIVE MAY 30 AND JULY 1, 2007. PERF SERVICE CREDIT AND DEFERRED RETIREMENT OPTION PLANS (DROP).** Amends IC 5-10.3. And IC 36-8-8.5 concerning DROPS.

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**PUBLIC LAW 149 - HOUSE ENROLLED ACT 1067 - EFFECTIVE JULY 1, 2007. PENSIONS.** Pension issues then various sections in the teacher's retirement fund and public employee's retirement fund provisions concerning benefits and investments.

**PUBLIC LAW 151 - HOUSE ENROLLED ACT 1092 - EFFECTIVE JULY 1, 2007. MILITARY FAMILY LEAVE.** Amends IC 22-2-13 concerning military family leave. Adds IC 22-2-13 to provide this chapter applies to an employer that employs at least fifty (50) employees for each working day during each of at least twenty (20) calendar work weeks. Provides for employees meeting certain requirements are entitled to an unpaid leave of absence as provided in subsection (b). IC 22-2-13-13 to provide except as provided in subsection (b), after an employee takes a leave of absence under this chapter, an employee must be restored to: (1) the position that the employee held before the leave; or (2) a position equivalent to the position that the employee held before the leave, with equivalent seniority, pay, benefits, and other terms and conditions of employment. Section 14 provides an employer shall permit an employee who is taking a leave of absence under this chapter to continue the employee's health care benefits at the employee's expense.

**PUBLIC LAW 159 - SENATE ENROLLED ACT 330 - EFFECTIVE JULY 1, 2007. TRANSFER TUITION.** Amends IC 20-26-11-8 concerning transfer tuition payments and child care placements.

**PUBLIC LAW 160 - SENATE ENROLLED ACT 412 - EFFECTIVE JULY 1, 2007. SOCIAL SECURITY NUMBERS.** Amends IC 36-2-11 concerning social security numbers on recorded documents.

**PUBLIC LAW 163 - SENATE ENROLLED ACT 568 - EFFECTIVE JULY 1, 2007. PERF.** Adds to IC 5-10.2 concerning a cost of living adjustment.

**PUBLIC LAW 165 - HOUSE ENROLLED ACT 1027 - EFFECTIVE JULY 1, 2007. MINIMUM WAGE.** Amends IC 22-2-2-4 concerning minimum wage paid per hour. Item (h) Except as provided in subsections (c) and (j), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

Also provides in part the amount payable under the Federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age, effective July 1, 2007.

Also, provides for State Department of Labor assignment of wage claims of \$6,000 or less.

**PUBLIC LAW 166 - HOUSE ENROLLED ACT 1116 - EFFECTIVE JULY 1, 2007. VOLUNTEER HEALTH AIDE.** Amends IC 20 concerning voluntary health aides.

**PUBLIC LAW 172 - SENATE ENROLLED ACT 1427 - EFFECTIVE JULY 1, 2007. PUBLIC RECORDS DISCLOSURE.** Amends IC 5-14-3-4 concerning confidential records of certain law enforcement officers working in an undercover position.

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### **PUBLIC LAW 179 - SENATE ENROLLED ACT 103 - EFFECTIVE JULY 1, 2007. OPEN DOOR LAW.**

Amends and adds to IC 5-14-1.5 concerning the Open-Door Law. Amends IC 5-14-1.5-3 to provide in part (d) A member of the governing body of a public agency who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication: (1) may not participate in final action taken at the meeting unless the member's participation is expressly authorized by statute; and (2) may not be considered to be present at the meeting unless considering the member to be present at the meeting is expressly authorized by statute. (e) for memoranda recording of such meetings.

Also adds IC 5-14-1.5-3.1 concerning violations of the open-door law for a series of meetings that (1) One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the governing body and the other gatherings include at least two (2) members of the governing body. (2) The sum of the number of different members of the governing body attending any of the gatherings at least equals a quorum of the governing body. (3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days. (4) The gatherings are held to take official action on public business. For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

**PUBLIC LAW 180 - SENATE ENROLLED ACT 128 - EFFECTIVE JULY 1, 2007. PUBLIC EMPLOYEES RETIREMENT FUND (PERF).** Amends and adds to various sections of IC 5-10-5.5 concerning benefits.

**PUBLIC LAW 182 - SENATE ENROLLED ACT 270 - EFFECTIVE JANUARY 1, 2008. FUELING STATION GRANT PROGRAM.** Amends IC 8-14 and adds IC 15-9-5 concerning "E 85 base fuel".

**PUBLIC LAW 186 - SENATE ENROLLED ACT 520 - EFFECTIVE JULY 1, 2007. DANGER NOTIFICATION.** Amends IC 5-2-4 concerning notification to government officials of imminent danger.

**PUBLIC LAW 188 - HOUSE ENROLLED ACT 1058 - EFFECTIVE JULY 1, 2007 DISPOSAL OF PROPERTY.** Amends IC 5-22-22-1 provide in part (b) The chapter does not apply to dispositions of property described in IC 36-1-11-5.7.

Adds IC 36-1-11-5.7 to provide (a) As used in this section, "political subdivision": (1) before July 1, 2008, does not include a township in a county having a consolidated city; and (2) after June 30, 2008, refers to all political subdivisions. (b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2. (c) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of this chapter, a disposing agent of a political subdivision may sell or transfer: (1) real property; or (2) tangible or intangible personal property, licenses, or any interest in the tangible or intangible personal property or licenses; without consideration or for a nominal consideration to a volunteer fire department for construction of a fire station or other purposes related to firefighting.

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**PUBLIC LAW 195 - HOUSE ENROLLED ACT 1731 - EFFECTIVE JULY 1, 2007. PUBLIC PURCHASES.** Amends IC 5-22-8-1 to provide the chapter applies only to a purchase expected by the purchasing agent to be less than one hundred fifty thousand dollars (\$150,000).

Amends IC 5-22-8-2 this section applies only if the purchasing agent expects the purchase to be less than fifty thousand dollars (\$50,000).

Amends IC 5-22-8-3 this section applies only if the purchasing agent expects the purchase to be: (1) at least fifty thousand dollars (\$50,000); and (2) not more than one hundred fifty thousand dollars (\$150,000). Amends IC 5-22-9-1, to provide subject to the policies of the purchasing agency, a purchasing agent may award a contract using the procedure provided by this chapter.

Amends IC 36-1-7-12 to provide in part (c) A governmental entity may make a purchase from any other governmental entity or under another governmental entity's referenced written contract if there is compliance with state purchasing law by the original purchasing unit. (d) Two (2) or more governmental entities may procure together or with a nonprofit entity if the requirements of the public purchasing statutes are met.

Amends IC 36-1-12-5 in part (a) This section applies whenever a public work project is estimated to cost less than fifty thousand dollars (\$50,000). And adds section (i) Quotes for public works projects costing less than twenty-five thousand dollars (\$25,000) may be obtained by soliciting at least three (3) quotes by telephone or facsimile transmission. The seven (7) day waiting period required by subsection (b)(1) does not apply to quotes solicited under this subsection.

**PUBLIC LAW 196 - HOUSE ENROLLED ACT 1767 - EFFECTIVE JULY 1, 2007. PROPERTY TAX EXEMPTIONS.** Amends several sections of IC 6-1.1 concerning the exemptions of land.

**PUBLIC LAW 198 - SENATE ENROLLED ACT 461 - EFFECTIVE JULY 1, 2007. GIS MAPPING.** Adds IC 4-23-7.3 concerning the State Geographic Information Systems (GIS) and GIS standards. Amends IC 5-22-22-4.5 concerning intelenet commission references on disposal of property.

**PUBLIC LAW 208 - SENATE ENROLLED ACT 310 - EFFECTIVE JULY 1, 2007. CERTIFIED MAILING.** Amends IC 1-1-7-1 to provide a person may use: (1) any service of the United States Postal Service or any services of any designated private delivery service (as defined by the United States Internal Revenue Service) with certain requirements.

**PUBLIC LAW 211 - SENATE ENROLLED ACT 500 - EFFECTIVE VARIOUS DATES. REVENUE DEPARTMENT.** Amends various sections of IC 6 concerning filings with the State revenue Department. Amends section (e) to provide if the department determines that an entity's: (1) estimated monthly withholding tax remittance for the current year; or (2) average monthly withholding tax remittance for the preceding year; exceeds five thousand dollars (\$5,000), the entity shall remit the monthly withholding taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the remittance is due.

Also amends IC 6-1.1-45 concerning deductions and TIF areas.

Adds 20-49-8.2 concerning common school fund loans for certain shortfalls.

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**PUBLIC LAW 215 - HOUSE ENROLLED ACT 1379 - EFFECTIVE JULY 1, 2007. PUBLIC RECORDS COPY COSTS.** Amends IC 5-14-3-8 to provide in part (d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater of: (1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or (2) the actual cost to the agency of copying the document. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

**PUBLIC LAW 219 - SENATE ENROLLED ACT 287 - EFFECTIVE VARIOUS DATES. PROPERTY TAX MATTERS, RATES, BUDGET PROVISIONS AND ASSESSING.**

Amends IC 5-1-18-6 concerning political subdivisions debt information to the DLGF by December 31 each year.

Amends IC 6-1.1-1-18 concerning Department of Local Government Finance rate adjustments.

Amends IC 6-1.1-12-37 concerning homestead credits.

Amends IC 6-1.1-17-5 the officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year not later than September 30 with certain exceptions.

Amends IC 6-1.1-18.5-12 concerning civil taxing unit shortfall appeals.

Amends IC 6-1.1-18.5-17 concerning usage of levy excess funds in lieu of property tax shortfall appeals.

Amends IC 6-1.1-20-3.1 concerning registered voters being able to participate in the petition and remonstrance process.

Amends various sections of IC 36 concerning duties of the township assessor transferred to a county assessor.

Adds various non code provisions concerning, assessing, tax rates, remonstrance, etc.

**PUBLIC LAW 221 - HOUSE ENROLLED ACT 1192 - EFFECTIVE JULY 1, 2007. ENVIRONMENTAL MATTERS.** Amends and adds to IC 13 concerning underground storage tank on Brownfield's owned by political subdivisions.

**PUBLIC LAW 224 - HOUSE ENROLLED ACT 1478 - EFFECTIVE VARIOUS DATES. COUNTY BOARD OF TAX AND CAPITAL PROJECTS REVIEW BOARDS (CBTCPR) CIRCUIT BREAKER BOARD.** Adds IC 6-1.1-29.5-1.5 to provide in part on January 1, 2009, there is established in each county a county board of tax and capital projects review.



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### **PUBLIC LAW 224 - HOUSE ENROLLED ACT 1478 - EFFECTIVE VARIOUS DATES. COUNTY BOARD OF TAX AND CAPITAL PROJECTS REVIEW BOARDS (CBTCPR) CIRCUIT BREAKER BOARD. (Continued)**

IC 6-1.1-29.5-0.5 concerning capital projects review provides in part this chapter applies only to a capital project that meets both of the following conditions: (1) The capital project is a controlled project (as defined in IC 6-1.1-20-1.1), except as provided in subdivision (2). (2) Notwithstanding IC6-1.1-20-1.1(2), the capital project will cost the political subdivision more than seven million dollars (\$7,000,000). Sec. 1. (a) As used in this chapter, "capital project" means any: (1) acquisition of land; (2) site improvements; (3) infrastructure improvements; (4) construction of buildings or structures; (5) rehabilitation, renovation, or enlargement of buildings or structures; or (6) acquisition or improvement of machinery, equipment, furnishings, or facilities required for the operation of buildings, structures, or infrastructure; (or any combination of subdivisions (1) through (6)) by a political subdivision.

Amends various sections of IC 6-1.1 and IC 6-3.5 concerning budgets and CBTCPR.

Adds IC 20-46-7-14 effective May 15, 2007, retroactive to provide petition after May 15, 2007, the department of local government finance may not approve under section 9 of this chapter a school corporation's proposed: (1) bond issue that does not provide for payments toward the principal of the bonds on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance; (2) lease rental agreement that does not provide for repayments toward the present asset value of the lease at its inception on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance; or (3) debt service fund loan to purchase school buses that does not provide for payments toward the principal of the loan on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance.

Adds IC 6-1.1-20-3.4 effective July 1, 2007: (a) Notwithstanding any other provision of this chapter, the executive of a political subdivision may initiate the petition and remonstrance process under this chapter for the approval or disapproval of a proposed controlled project of the political subdivision that has been disapproved under IC 6-1.1-29.5 by the county board of tax and capital projects review. (b) The executive of a political subdivision may initiate the petition and remonstrance process under this chapter for a proposed controlled project that has been disapproved by the county board of tax and capital projects review by giving notice of the applicability of the petition and remonstrance process as provided in section 3.2(1) of this chapter not more than sixty (60) days after the county board of tax and capital projects review disapproves the proposed controlled project. (c) Section 3.2 of this chapter applies to a petition and remonstrance process initiated under this section. However, a sufficient petition requesting the application of a petition and remonstrance process is not required to be filed as set forth in section 3.1 of this chapter before the executive of a political subdivision may initiate the petition and remonstrance process as provided in this section. (d) If the number of owners of real property within the political subdivision and registered voters residing within the political subdivision that sign a petition in favor of the proposed controlled project is greater than the number of owners of real property within the political subdivision and registered voters residing within the political subdivision that sign a remonstrance against the proposed controlled project, the political subdivision may undertake the proposed controlled project, notwithstanding the disapproval of the proposed controlled project by the county board of tax and capital projects review under IC 6-1.1-29.5.

Adds IC 6-1.1-20-3 effective July 1, 2007, and creates the "Circuit Breaker Relief Board" concerning "distressed political subdivisions".

Amends IC 6-1.1-20.3 concerning circuit breaker relief provisions.

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**PUBLIC LAW 232 - HOUSE ENROLLED ACT 1774 – EFFECTIVE MAY 11 AND JULY 1, 2007. REGIONAL DEVELOPMENT AUTHORITIES.** Adds to IC 6-3.5-7-28 concerning Regional Development Authorities.

**PUBLIC LAW 233 – HOUSE ENROLLED ACT 1835 – EFFECTIVE MARCH 1, 2006. RETROACTIVE. PROPERTY TAX REDUCTION TRUST FUND.** Amends IC 6-1.1 to establish the property Tax Reduction Trust Fund.

**PUBLIC LAW 234 - HOUSE ENROLLED ACT 1001 - EFFECTIVE VARIOUS DATES STATE BUDGET PROVISIONS.** Provides for distributions to school corporations and other political subdivisions.

Amends IC 5-10.3-11-4.7 extending to 2011 pension relief distributions.

Adds IC 20-20-35 To provide for a Prekindergarten Grant Pilot Program.

Amends various sections of the Indiana Code concerning vocational, career and technical education.

Amends IC 20-24-6-7 to item (e) to provide Charter school employees may participate in a private pension or retirement program, if the organizer of the charter school offers the opportunity to participate in the program.

Amends IC 20-40-6-5 to delete the authority to pay costs attributable for transportation from the general fund.

Amends IC 20-40-8-20 to delete the authority to pay costs attributable for transportation from the general capital projects fund.

Amends IC 20-26-7-1 to item (c) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

Amends IC 20-26-11-13 (i) concerning transfer tuition.

Adds IC 20-46-5-12 to provide (a) If: (1) a school corporation enters into a lease agreement with the Indiana bond bank for the lease of one (1) or more school buses under IC 5-1.5-4-1(a)(5); (2) the lease agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under section 9 of this chapter; and (3) in the first full fiscal year after the effective date of the lease agreement, there would otherwise be a reduction in the levy in an amount equal to the difference between the total purchase price of the bus or buses and the total rental payment due under the lease agreement; the levy in that fiscal year may not be reduced by the amount of the reduction. (b) Any or all of the amount of that part of the levy may, on or before the end of the year of its collection, be: (1) retained in the fund; (2) transferred to the school transportation fund established under IC 20-40-6-4; or (3) transferred to the capital projects fund established under IC 20-40-8-6.

Non-code section 294 provides P.L.191-2006, SECTION 4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The definitions in IC 20 apply to this SECTION. As used in this SECTION, "plan" refers to "A Plan to Upgrade the Financial Management, Analysis, and Reporting System for Indiana School Corporations and Schools" published by the department of education on September 13, 2006. (c) The state board of accounts, the department and the state board may not implement the plan or require a school corporation to conform to the plan until after June 30, 2009, concerning the plan commonly referred to as FINMARS.

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## **and Uniform Compliance Guidelines**

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### **PUBLIC LAW 234 - HOUSE ENROLLED ACT 1001 - EFFECTIVE VARIOUS DATES STATE BUDGET PROVISIONS. (CONTINUED)**

IC 20-40-8-19 concerning the capital projects fund is amended to provide this section applies during the period beginning January 1, 2008, and ending December 31, 2009. Money in the fund may be used to pay for up to one hundred percent (100%) of the following costs of a school corporation: (1) Utility services. (2) Property or casualty insurance. (3) Both utility services and property or casualty insurance. A school corporation's expenditures under this section may not exceed in 2008 and in 2009 three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

Adds 21-43-5-14 effective JULY 1, 2007, to provide Ivy Tech Community College is entitled to reimbursement for the costs incurred to deliver courses under this chapter that are taken: (1) at an Ivy Tech Community College site; and (2) by a student for whom Ivy Tech Community College has waived tuition under this chapter or IC 21-14-8. The school corporation in which the student described in subdivision (2) resides shall pay the individual's tuition to Ivy Tech Community College for each year the student is included in the school corporation's ADM.